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3628 <sup>TFW</sup>

SERIAL NO. 09/520,825

PATENT APPLICATION

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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Applicant:	HUELER et al.	Examiner:	DASS, H.
Serial No.:	09/520,825	Group Art Unit:	3628
Filing Date:	3/8/2000	Docket No.:	HUEC.300US01
Title:	ELECTRONIC COMMUNICATION SYSTEM AND METHOD FOR FACILITATING FINANCIAL TRANSACTION BIDDING AND REPORTING PROCESSES		

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 15, 2006.

By:   
Rennae Johnson

COMMUNICATION  
REQUEST FOR WITHDRAWAL OF FINALITY OF REJECTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Applicants submit this communication requesting withdrawal of the finality of the rejection provided in the Office Action dated January 27, 2006.

In the previous Office Action dated April 29, 2005, Claims 8-10 were rejected on a first ground of rejection, namely as being unpatentable over *Field* in view of *Crozier*. Claims 8-10 were rejected as being obvious over these two references. In the current Office Action dated January 27, 2006, Claims 8-10 were rejected on a **new ground of rejection**, involving *Field*, *Crozier*, and a new reference U.S. Patent No. 6,684,189 to *Ryan*.

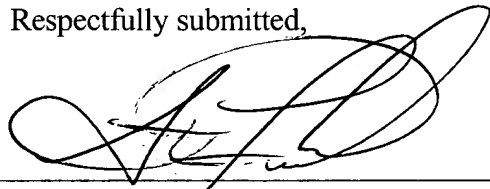
According to M.P.E.P § 706.07(a), a second action on the merits will not be made final if it includes a rejection, on *newly cited art*, of any claim not amended in spite of the fact that other claims may have been amended to require newly cited art. In the current situation, Claims 8-10 are original claims which have not been amended.

Because Claims 8-10 have not been amended, and because a new ground of rejection was used to reject Claims 8-10 in the January 27, 2006 Office Action, it is respectfully submitted that it was improper to make the rejection a "final" rejection.

For at least the foregoing reasons, the Applicants respectfully submit that the finality of the January 27, 2006 rejection was premature. The Applicants respectfully request withdrawal of the finality of the rejection to afford the Applicants an opportunity to address the new rejection to Claims 8-10, or alternatively the Applicants respectfully request allowance of Claims 8-10.

The Applicants also kindly request notification of the Examiner's decision, to allow the Applicants to respond appropriately to the January 27, 2006 Office Action. If the Examiner has any questions or would like to discuss this matter, the undersigned attorney of record invites the Examiner to contact him at the Examiner's earliest convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. R. Funk', is written over a horizontal line.

By:

Steven R. Funk  
Reg. No. 37,830

Date: February 15, 2006